

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

NANCY WESSINGER,

Plaintiff,

Case No. 15-cv-13848  
Hon. Matthew F. Leitman

v.

COMMISSIONER OF  
SOCIAL SECURITY,

Defendant.

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**ORDER (1) GRANTING PLAINTIFF'S MOTION FOR SUMMARY  
JUDGMENT (ECF #13), (2) DENYING DEFENDANT'S MOTION FOR  
SUMMARY JUDGMENT (ECF #14), AND (3) REMANDING PLAINTIFF'S  
CLAIM FOR BENEFITS FOR FURTHER PROCEEDINGS**

In this action, Plaintiff Nancy Wessinger ("Plaintiff") challenges the denial of her application for disability insurance benefits. (*See* Compl., ECF #1.) Plaintiff and the Commissioner of Social Security ("Defendant") have now filed cross-motions for summary judgment. (*See* ECF ## 13, 14.)

On February 16, 2017, the assigned Magistrate Judge issued a Report and Recommendation recommending that the Court grant Plaintiff's motion, deny Defendant's motion, and this matter be remanded to the Social Security Administration for further proceedings (the "R&R"). (*See* ECF #17.) At the conclusion of the R&R, the Magistrate Judge informed the parties that if they wanted

to seek review of her recommendation, they needed to file specific objections with the Court within fourteen days. (*See id.* at 28-29, Pg. ID 779-80.)

Defendant has not filed any objections to the R&R. The failure to file objections to an R&R waives any further right to appeal. *See Howard v. Sec'y of Health and Human Servs.*, 932 F.2d 505 (6th Cir. 1991); *Smith v. Detroit Fed'n of Teachers Local 231*, 829 F.2d 1370, 1373 (6th Cir. 1987). Likewise, the failure to object to an R&R releases the Court from its duty to independently review the matter. *See Thomas v. Arn*, 474 U.S. 140, 149 (1985).

Accordingly, because Defendant has failed to file any objections to the R&R, **IT IS HEREBY ORDERED** that the Magistrate Judge's recommendation to grant Plaintiff's Motion for Summary Judgment is **ADOPTED**.

**IT IS FURTHER ORDERED** that (1) Plaintiff's Motion for Summary Judgment (ECF #13) is **GRANTED**; (2) Defendant's Motion for Summary Judgment (ECF #14) is **DENIED**; and (3) Plaintiff's claim for benefits is remanded to the Social Security Administration for further proceedings consistent with the R&R (ECF #17) and this order.

s/Matthew F. Leitman  
MATTHEW F. LEITMAN  
UNITED STATES DISTRICT JUDGE

Dated: March 8, 2017

I hereby certify that a copy of the foregoing document was served upon the parties and/or counsel of record on March 8, 2017, by electronic means and/or ordinary mail.

s/Holly A. Monda

Case Manager

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